



WHISTLE BLOWING POLICY

This is a whole-school policy, within the framework of which the Primary School and the Nursery policies operate as appropriate.

1. Introduction

This policy and procedure applies to all employees and governors. This includes those designated as casual, temporary, agency authorised, contractors and volunteers. It also covers suppliers and those providing services under a contract with the School on its premises.

It is important to the School that any fraud, misconduct or wrongdoing by employees or governors of the school is reported and properly dealt with. The governing body will, therefore, respond to all individuals who raise any genuine concerns that they may have about the conduct of others in the school, **which are in the public interest**. This policy and procedure sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

- 1.1** the school expects the highest standards of conduct from all employees and governors and will treat seriously any concern raised about illegal or improper conduct
- 1.2** any individual covered by this policy will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the Head (or the chair of governors if the concerns relate to the Head) any serious impropriety or breach of procedure.
- 1.3** employees who do not follow the steps identified in this procedure or other agreed internal procedures, and take their concerns to other outside sources (e.g. the press), may be subject to a formal disciplinary investigation
- 1.4** this policy does not form part of any employee's contract of employment and it may be amended at any time. The School may also vary any time limits as appropriate in any case

2. Purpose

The purpose of this policy is:-

- to provide employees with a method of raising concerns
- to encourage employees to feel confident in raising serious concerns, to question and act upon their concerns about work practices

- to ensure employees receive a response to their concerns and they are aware how to pursue them if they are not satisfied
- to reassure employees that they will be protected from possible reprisals or victimisation if they have reasonable belief that they have made any disclosure in good faith.

3. Background

The law provides protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by the employee who has a reasonable belief that:

- a criminal offence
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any legal obligation
- a concealment of any of the above
- the unauthorised use of school funds
- fraud or corruption
- practice which falls below established standards or practice
- action which is contrary to the code of conduct for employees
- other unethical conduct

is being, has been, or is likely to be, committed. It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter; it is the school's responsibility to ensure that an investigation takes place:

- 3.1 where the concerns are about **safeguarding children or young people**, the school's designated senior person for Child Protection must be notified (see 8 below)
- 3.2 it is a procedure in which the Head or chair of governors will be expected to act swiftly and constructively in the investigation of any concerns in accordance with the school's disciplinary procedure
- 3.3 concern about a colleague's professional capability should **not** be dealt with using this policy (but see section 8 below).

4. When should it be used?

This policy and procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, breached he/she should use the school's grievance procedure.

Where a disclosure is merely an expression of opinion that fails to show that a legal obligation has been or is likely to be breached, it **cannot** amount to a protected or qualifying disclosure for the purposes of the whistleblowing legislation.

A qualifying disclosure means any disclosure of information that in the reasonable belief of the worker is made in the public interest. This is why an employee will generally be precluded from being able to 'blow the whistle' about breaches of his or her own employment contract. The School will seek a declaration from the whistleblower that he or she is not knowingly making a false allegation. Disciplinary action is likely to be appropriate only where there is clear evidence that the employee has misused this policy.

- 4.1 this policy and procedure is not designed to replace or be used as an alternative to the school's grievance procedure, which should be used where an employee is only aggrieved about their own situation. This policy and procedure will also not apply where the employee simply disagrees with the way the school is run
- 4.2 employees must have reasonable grounds for believing the information they have is accurate and not just idle gossip or rumour
- 4.3 an employee who makes such a protected disclosure has the right not to be subjected to detrimental treatment which includes, dismissal, disciplinary action, threats or other unfavourable treatment, because he/she has made a disclosure, provided it has not been made maliciously. Any employee who uses this policy and procedure will not be penalised for doing so. The employer will not tolerate harassment and/or victimisation of any employee raising concerns
- 4.4 an employee who is not sure whether the conduct he/she is concerned about does constitute illegal or improper conduct or is unsure about how to proceed may contact their professional association/trade union
- 4.5 financial regulations require that any suspicion of fraud, corruption or other financial irregularity is reported to Internal Audit for possible investigation. Normally an employee must first report any suspicion of such an irregularity to the Head or chair of governors (but see section 6), who will in turn report it to Internal Audit.

5. Principles

- 5.1 any matter raised under this policy and procedure will be investigated thoroughly, promptly and confidentially. Whilst the School will aim to keep the employee informed of the progress of the investigation and likely timescales sometimes the requirement for confidentiality will prevent full information about the investigation and any consequential disciplinary action from being disclosed
- 5.2 no employee will be victimised for raising a matter under this policy. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern
- 5.3 victimisation of a worker for raising a qualified disclosure will be a disciplinary offence

- 5.4 if misconduct is discovered as a result of any investigation under this policy the matter will be considered under the school's disciplinary procedure, in addition to any appropriate external measures
- 5.5 maliciously making a false allegation is a disciplinary offence
- 5.6 an instruction to cover up wrongdoing is in itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, employees should not agree to remain silent

6. Procedure

- 6.1 in the first instance, unless the employee reasonably believes their Head to be involved in the wrongdoing, any concerns should be raised with the employee's Head. If he/she believes the Head to be involved, then the employee should proceed straight to stage three (see below 6.3)
- 6.2 the Head/Chair of Governors will arrange an investigation into the matter (either by investigating the matter himself/herself or immediately passing the issue to someone in a senior position). The investigation may involve the employee and others involved giving written statements. Any investigation will be carried out in accordance with the principles set out above.

Employees who want to use the procedure but feel uneasy about it may wish to consult their professional association/trade union initially and bring a colleague professional association/trade union representative along to any discussions. This is permitted as long as the third party is not involved in the issue

Employees are not encouraged to make disclosures anonymously. Proper investigation may be more difficult or impossible if further information cannot be obtained from the employee. It is also more difficult to establish whether any allegations are credible. Employees who are concerned about possible reprisals if their identity is revealed should come forward to the Head/Chair of Governors and appropriate measures can be taken to preserve confidentiality although no guarantee can be given that this will always be possible

- 6.3 the Head (or the person who carried out the investigation) will then report to the Chair of Governors/Governing Body who will take the necessary action, including reporting the matter to any appropriate department or regulatory agency. If disciplinary action is required this will be taken forward by the Head/Chair of Governors/Governing Body. On conclusion of any investigation, the employee will be told the outcome of the investigation and what the next steps will be (subject to issues of confidentiality). If no action is to be taken the reason for this will be explained

If the employee is concerned that their Head is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigation, he/she should inform the Chair of Governors. The aim of this policy and procedure is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the school. In most cases employees should not find it necessary to

alert anyone externally and employees are strongly advised to seek advice before reporting a concern in this way.

6.4 When an employee feels concerned about bad practice he or she will need to identify the issues carefully. An employee must be clear about the standards against which he or she is judging practice. Questions they should consider are:

- Is it illegal?
- Does it contravene professional codes of practice?
- Is it about one individual's behaviour or is it about general working practices?
- Does it contradict what the employee has been taught/
- Has the employee witnessed an accident? If so he or she should write it down.

6.5 Once an employee is certain that bad practice exists, the following action should be considered:-

- concerns should be raised in writing, giving the background and history of the concern and the reason why the employee is particularly concerned about the situation. The earlier the concern is expressed the easier it is to take action
- if the employee so wishes, he or she may ask for a private, confidential meeting with the appropriate manager
- the employee should provide, if possible, dated and signed written supporting statements from those who can confirm the allegation
- the employee should ask that he or she be informed of the outcome of the investigation.

6.6 Whilst employees are not expected to prove beyond reasonable doubt the truth of an allegation, they will need to demonstrate that there are reasonable grounds for their concern.

6.7 Employees also have the right to raise matters of concern under the School's Grievance Procedure.

6.8 This policy encourages employees to put their name to any allegation. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Head.

6.9 In exercising this discretion the Head will take account of:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources.

6.10 Within ten working days of a concern being raised the manager hearing the concern will write to the employee and:

- acknowledge the concern has been received
- indicate how the matter is to be dealt with and by whom

- where possible give an estimate of how long it will take to provide a response
- inform the employee whether any initial enquiries have been made
- check whether he or she needs any personal support
- inform the employee whether further investigations will take place and if not why not.

6.11 The School accepts that individuals need to be assured that the matter has been addressed. Thus, subject to legal constraints and the bounds of confidentiality, the School should inform the employee of the outcome of any investigation and the action taken to ensure a similar concern is not raised in the future.

6.12 If the employee is not satisfied with the outcome, he or she may refer the matter to the Chair of Governors if they have not already been involved. Within ten working days the Chair of Governors will write to acknowledge receipt of the concern and indicate what steps will be taken. The Chair of Governors may decide to set up a small group of Governors to investigate. The Chair of Governors will then inform the employee of the outcome.

7. What should be done if an issue is raised with a member of staff?

7.1 if a member of staff, other than the Head, is approached by a colleague on a matter of concern as defined in this document, he/she is advised to take the matter to the Head (but see 6).

8. Safeguarding children and young people

8.1 separate to the obligations under this policy, all employees have a duty to report concerns about the safety and welfare of pupils/students

8.2 concerns about any of the following should be reported to the school's designated senior person for Child Protection (DSP):

- physical abuse of a pupil/student
- sexual abuse of a pupil/student
- emotional abuse of a pupil/student
- neglect of a pupil/student
- an intimate or improper relationship between an adult and a pupil/student

8.3 the reason for the concern may be the actions of a colleague (including a more senior colleague), a governor, another pupil/student or someone outside the school. Whatever the reason, concerns must be reported. Failure to report a Child Protection related allegation will be in itself, a disciplinary matter.

9. Responsible Office

The Head has overall responsibility for the maintenance and operation of the Whistle Blowing Policy. The School will maintain a record of concerns raised and actions taken but in a form which does not endanger confidentiality.

Generally

The legislation protecting individuals who makes a protected disclosure applies not only to employees, but also to any person who undertakes to do or perform personally (or otherwise) any work or service for the employer, regardless of the nature of the contractual relationship between them.

Section 43J of the Employment Rights Act 1996 provides that a settlement agreement made between an employee and employer cannot prevent future protected disclosures.

Any confidentiality obligations in contracts of employment that would prevent an employee making a protected disclosure will be void.

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